

## **REMARKS/ARGUMENTS**

Claims 1, 2, 5-15, 18-21, and 24-26 were previously pending in the application. Claims 1, 6, 14, 19, and 21, are amended; claims 5, 18, and 25-26 are canceled; and new claims 27-34 are added herein. Assuming the entry of this amendment, claims 1, 2, 6-15, 19-21, 24, and 27-34 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

### **Allowable Subject Matter**

On page 12 of the office action, the Examiner stated that claims 6, 9-11, and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Miscellaneous Notes**

In the previous presentation of the pending claims, in response to the final office action of 09/29/2006 and the advisory action of 12/11/2006, the term  $V_{pnl}$  was inadvertently omitted from claims 6 and 19. It has been restored in the present presentation of the pending claims.

### **Miscellaneous Amendments**

Claim 21 has been amended to replace the term “service data record” with “service data structure” for improved consistency with the specification. This amendment was not made to overcome any prior art.

### **Prior-Art Rejections**

In pages 2-8, the Examiner rejected claims 1, 2, 5, 8, 14, 15, 18, 21, and 24-26 under 35 U.S.C. 102(e) as being anticipated by Grover (U.S. Patent No. 6,856,592 B2 to Grover et al.). In pages 9-10, the Examiner rejected claims 7 and 20 under 35 U.S.C. 103(a) as unpatentable over Grover in view of Cisco (Cisco’s Packet over SONET/SDH (POS) Technology Support). In pages 10-12, the Examiner rejected claims 12 and 13 under 35 U.S.C. 103(a) as unpatentable over Grover in view of Mo (U.S. Patent App. No. 2003/0037276 A1 to Mo et al.).

### **Claim 1**

Claim 1 has been amended to incorporate the subject matter of original claim 5 and to remove the subject matter of original claims 3 and 4. The Examiner has indicated that previously-pending claim 6 is directed to allowable subject matter. Applicant submits that amended claim 1 is allowable for some of the same reasons for which claim 6 is directed to allowable subject matter.

On page 2 of the office action, the Examiner admits that Lin (U.S. Patent Application No. 2003/0065811 A1 to Lin et al.) does not teach the limitations of previously-pending claim 5, *i.e.*, that (i) the service data structure of claim 1 is a primary path vector having a plurality of entries corresponding to the nodes and links in the network, and (ii) each entry of the primary path vector identifies whether the corresponding node or link is part of the primary path for the service. An example of a primary path vector of the type claimed in claim 5 can be seen in Fig. 9.

The Examiner rejected claim 5 based on alleged teachings at column 6, lines 36-50, of Grover. The cited section of Grover discloses determining the routing of the working paths between origin-destination (O-D) pairs of nodes and associating working path demands on the shortest paths according to distance. Merely disclosing items that can be represented or organized as vectors does not actually disclose using a vector having a plurality of entries, as recited in claim 5.

Even assuming, *arguendo*, that Grover teaches vectors in general, which Applicant does not admit, Grover does not disclose any vector, or for that matter, any data structure (i) having a plurality of entries corresponding to the nodes and links in the network, wherein (ii) each entry of the vector, or data structure, identifies whether the corresponding node or link is part of the primary path for the service, as required by claim 5. As noted above, an example of this particular format for defining a primary path vector, as required in claim 5, can be seen in Fig. 9. Grover does not disclose anything of the sort.

The Applicant submits that the forgoing provides reasons for the allowability of amended claim 1 over Grover. For similar reasons, Applicant submits that amended claims 14 and 21 are allowable over Grover. Since claims 2, 6-13, 27-28, and 34 depend variously from claim 1, claims 15, 19-20, and 29-30 depend variously from claim 14, and claims 24 and 31-32 depend from claim 21, it is further submitted that those claims are allowable over Grover.

#### Claim 14

Claim 14 has been amended to incorporate the subject matter of original claim 18 and to remove the subject matter of original claims 16 and 17. The Examiner has indicated that previously-pending claim 19 is directed to allowable subject matter. Applicant submits that amended claim 14 is allowable for some of the same reasons for which claim 19 is directed to

allowable subject matter. Furthermore, as indicated above, Applicant submits that amended claim 14 and its dependent claims are allowable over Grover.

#### Claim 21

Claim 21 has been amended to incorporate the subject matter of original claim 5 and to remove the subject matter of claim 22, which was first presented in the Amendment and Response of 7/26/2006 and subsequently canceled. As indicated above, Applicant submits that amended claim 21 and its dependent claims are allowable over Grover.

Furthermore, claim 21 recites that the restoration path established by the claim “has been calculated” prior to the receipt of the service data structure and the determination “for each link of the restoration path” of whether to reserve additional protection bandwidth. The Examiner did not cite any teachings in Grover that allegedly teach that requirement, nor does Grover appear to disclose such a method. Instead, Grover teaches the communication of selected restoration routes as the final step. *See* column 5, lines 50-52; Fig. 2. Applicant submits that this provides further reason for the allowability of claim 21 over Grover. Since claims 24 and 31-32 depend from claim 21, Applicant submits that this provides further grounds for the allowability of those claims over Grover.

#### Claims 27-32

New claims 27, 28, 29, 30, 31, and 32 recite the subject matter of previously-presented-and-then-canceled claims 3, 4, 16, 17, 22, and 23, respectively. As indicated above, Applicant submits that new claims 27-32 are allowable over Grover.

Furthermore, claim 31 recites that the steps of receiving and determining are performed at each node of the restoration path. The Examiner did not cite any teachings in Grover that allegedly teach that requirement, which, as noted above, appeared in previously-pending claim 21, nor does Grover appear to disclose such a method. Applicant submits that this provides further reason for the allowability of claim 31.

#### Claim 33

New claim 33 incorporates the subject matter of previously-pending claim 9, including the base claim and all intervening claims, *i.e.*, previously-pending claims 1 and 8. As noted above, the Examiner indicated that previously-pending claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, Applicant submits that claim 33 is allowable.

#### Claim 34

New claim 34, which depends from amended claim 6, recites the subject matter currently being removed from previously presented claim 1. As such, the subject matter of new claim 34 is identical to the subject matter of previously-pending claim 6. Since the Examiner indicated that previously-pending claim 6 is directed to allowable subject matter, Applicant submits that new claim 34 should also be directed to allowable subject matter.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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